

BUILT ON THE BACKS OF THEIR NEIGHBORS:
AN EXPLORATION OF MIGRANT LABOR PRACTICES IN SOUTHEAST
ASIA

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Abstract

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The number of international migrant workers worldwide reached 244 million in December 2015. The emergence of globalization and its integrative nature has allowed individuals from around the world to travel and work in countries both near and far to their home country. While the prospect of a global economic market is exciting, worries arise as how best to protect these foreign workers in their host countries. The following thesis will focus on the migrant labor force in Southeast Asia, specifically that of Malaysia and Singapore. The two aforementioned countries, neighbors and cultural counterparts, have faced much public scrutiny regarding their treatment of their labor populations. In response, Singapore and Malaysia have taken varying steps to combat this issue, some effective and some not. In order to explore the effectiveness of each countries governmental response, an emphasis will be placed on two sectors of the migrant labor force: domestic service and construction. Both sectors will be evaluated and compared to one another in terms of their response to allegations of abuse. It will be shown that Singapore has taken more meaningful steps to protect the rights of their foreign labor population. However, improvement for both countries is still desperately needed.

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Introduction: Who is the Migrant Worker?

Imagine yourself at 18-years old. For the majority of American's, including me, memories of attending high school and time spent with friends and family fills their heads. Continue this thought process, but instead imagine yourself to be a native of Indonesia. In this scenario, the odds of such memories are not as common. Of course, this is not to say that a large portion of Indonesian's do not enjoy such a life. However, compared to the United States, the hardships faced by those in Indonesia are much more prevalent.

Take for instance the poverty index of Indonesia versus that of the United States. In the United States, the federal poverty guideline is designated at \$24,300 a year for a family of four. If ones family were larger than four, a simple addition of \$4,160 would account for the larger size. Similarly, a family less than four would only need to subtract \$4,160 per person to determine their standing in the poverty guideline [1]. In Indonesia, the national poverty line is set at 330,776 Indonesian rupiah per month. This sum of money equates to roughly \$23 a month, or \$276 a year. Even with a substantially lower index gauging national poverty, as of 2016, Indonesia is home to 28 million individuals living below the poverty line [2]. Furthermore, an additional 40% of Indonesian's are at risk of falling below the poverty line [3].

Now, if one were to continue in this thought exercise, the next logical step would be to determine how one can survive off \$0.80 a day. For a significant portion of Indonesian men and women, the answer to this predicament lies abroad, specifically on the shores of their neighboring countries. High-income nations in Southeast Asia, such as Malaysia and Singapore, attract upwards of 335 million migrant laborers from neighboring countries to fill demand in low service sectors such as domestic service and construction [4]. For those in neighboring countries, Indonesia included, the promise of higher income and stable work is reason enough to leave their

home in pursuit of such jobs. It is at this point, where my analysis of migrant labor conditions in Southeast Asia will begin.

In the following chapters, it is my intention to document and analyze the migrant labor system in Southeast Asia, specifically within the Singaporean and Malaysian economies. In doing so, I hope to achieve three main goals. The first is to present a clear picture of the struggles faced by foreign workers in Singapore and Malaysia. The second is to analyze and define these struggles, but more specifically their root causes in these countries. The third, and final, is to provide recommendations to remedy the abuses faced by migrant laborers in Southeast Asia.

Since their emergence onto the global economic stage, both Singapore and Malaysia have relied heavily on foreign labor from neighboring countries such as Indonesia, Cambodia, Thailand, Bangladesh, and Vietnam. These foreign laborers have worked in a number of different capacities. However, the two most common, and thus the emphasis of this thesis, are their employment in the domestic service and construction industries of the two aforementioned countries. While the benefit provided by these foreign workers has been substantial, as will be discussed in later chapters, the treatment allotted to them for these benefits have been minimal. In both Singapore and Malaysia, documented cases of abuse and neglect have been commonplace dating back to the late 20th Century. Faced with such controversies, Singapore and Malaysia have taken varying legislative action to address the abuse of one of their largest work forces. It is this variation between the two countries that allows further analysis to take place.

In the case of Singapore, a former member of the Federation of Malaya, legislative action regarding the treatment of migrant workers has been frequent, with a number of acts being passed over the last two decades directly addressing this problem. However, concerns regarding those covered and the effectiveness of such legislation remain a continuing issue. For example,

the majority of labor guidelines signed into law by the Singaporean government do not apply to foreign domestic workers. This large proportion of migrant workers is thus left with few legal routes to combat any abuse that may occur. Additionally, if lucky enough to escape abuse and file criminal charges, the punishment for abusing a foreign domestic worker is minimal enough as to not warrant concern.

The bulk of labor laws in Singapore do apply to foreign laborers working in the construction industry. However, this fact does not merit assurance. It has been found, as will be documented in the chapter on Singapore, that employers will frequently ignore workplace standards set forth by the Singaporean government. This neglect to follow the rule of law is furthered by a lack of enforcement and oversight by Singaporean officials. Thus, the laws in place merely act as a symbol rather than tangible protections for migrant laborers.

In the case of Malaysia, many of the same lapses in protection are present. Foreign domestic workers are not covered under national labor laws in Malaysia. Foreign construction workers are covered under some of such laws; however, lapses in enforcement and oversight again plague their effectiveness. Therefore, it can be stated that the plight of the foreign worker in both Singapore and Malaysia is prevalent and similar in nature. However, as will be shown in this thesis, it seems that Singapore is more inclined to address the issues of migrant workers when compared to Malaysia.

The reasoning behind Singapore's heightened inclination to aid migrant workers can be potentially attributed to a multitude of different factors. However, my research has led me to believe that the difference between Singapore and Malaysia's response to migrant labor abuse is two-pronged. Firstly, Singapore's classification as a developed nation, made possible by the immense amount of foreign investment in the country, has resulted in the country placing a

larger emphasis on its global appearance. Secondly, the economic directive of Malaysia, centered on increasing ownership of native Malays, has led to indifference in the country regarding the treatment and protection of migrant laborers, viewed merely as a means to an end.

In the following chapters, I will outline a brief history of both countries and the importance of migrant labor in them. Next, I will present the documented cases of abuse in chronological fashion, including governmental responses to instances of abuse made public. Finally, I will provide a more in depth analysis of the differences between Singapore and Malaysia and conclude with recommendations to both countries regarding how best to treat their migrant labor population.

Chapter 2: Singapore

Background

Since the late 1970's into the early 1980's, Singapore has become one of the leading receiving countries of migrant laborers in South East Asia. As of December 2015, 1,387,300 foreign workers represented 38% of the total workforce in Singapore, making Singapore the holder of the largest proportion of foreign workers in Asia [1]. Of these foreign workers, nearly 40% are classified as unskilled laborers, with 326,000 men and 231,500 women working in the construction and domestic service industries, respectively [2]. This ever-increasing proportion of unskilled workers entering the country has resulted in the appearance of abuses towards foreign workers, both in government and in the state economy.

In order to address the increase in foreign workers within the country, the government of Singapore has implemented a system under which different types of employment passes are issued based on an individual's level of skill. For instance, individuals defined as "foreign talent", classified as highly or semi-highly skilled laborers, will receive one of two employment passes: a P1 or P2. These employment passes are assigned in correspondence to the minimum salary the foreign talent will receive. For a P1 employment pass, the individual must receive a monthly salary of S\$8,000 or more, while a P2 employment pass guarantees the individual a monthly salary between S\$4,500-S\$7,999 [3].

The remaining classes of immigrant workers, semi-skilled to unskilled workers mainly working in the manufacturing, construction, or domestic service industries, are referred to as "foreign workers". Under the employment pass system within Singapore, foreign workers do not qualify for a minimum salary. Furthermore, the restrictions placed on these individuals, in relation to their foreign talent counterparts, leaves many questions regarding the value Singapore

places on its foreign worker population. The following sections will clearly outline the benefits that the foreign workers provide for both the Singaporean government and the state economy. In doing so, they will also address the disconnect present in how these members of Singaporean society are treated, with the ultimate conclusion being that the laws in place make it possible for maltreatment to run rampant.

In this chapter, the focus will be the “foreign worker”, specifically in the construction and domestic service industries. These two categories of laborers, consisting of men and women from surrounding countries such as Malaysia, the Philippines, Indonesia, Bangladesh, and Thailand, represent a crucial sector of Singapore’s economy. However, the value gained from their employment within the country is seemingly ignored in relation to the benefits apportioned to them. The foreign worker is overworked, underpaid, and left with few, and frequently ineffective, outlets to turn to for assistance.

It is my intention to document the evolution of the foreign labor force in Singapore. The documentation will begin with the country’s emergence as a ‘developed’ country, to the present day. In doing so, a spotlight will be placed on substantial cases of abuse, along with milestone policy implementations regarding foreign laborers. The chronological presentation will show that, while policy has been adopted for the benefit of the foreign worker, a lack of meaningful enforcement measures and penalties result in non-compliance on the part of the employer.

According to the World Bank, Singapore became a ‘developed’ country in 1987, only 22 years after the country was expelled from the Federation of Malaya and granted its status as a sovereign, independent nation [4]. Within the span of two decades, Singapore flourished as an independent nation, becoming an epicenter for international trade and business. Centered mainly on the country’s accessible port and access to the rest of Asia, Singapore enticed foreign

companies to invest in the country by limiting workforce restrictions and recruiting high volumes of foreign workers to expedite the country's goal of industrialization. Thus, the rapid expansion from a 'developing' to a 'developed' country opened the door for large amounts of foreign laborers from neighboring countries, resulting in the high concentration of such workers in the country today.

Section I: Foreign Domestic Workers in Singapore

1. Domestic Service Industry

It became quickly evident that little to no documented cases of abuse were made public until the late 1970's. While it is safe to say that the plight of the migrant worker began well before this time, the ensuing analysis will begin in concurrence with the available case studies. Therefore, the following section will examine evidence of labor abuse and government response beginning in 1978.

a. The Public Eye: Publicized Abuses and Government Response

The industrialization and economic growth of Singapore, beginning in the 1960s, bolstered the country's middle class, as well as increased the weekly work schedule of many citizens. For example, the weekly hour limits for the Singaporean workforce in 1967 was 35-39 hours for those working in offices, and 41-46 hours for those working in industry and commerce [1]. The intensity of the workweek, in concurrence with "a private sector that has failed to innovate "family-friendly" working conditions, and few feasible child care options", created a strong demand for foreign domestic workers [2]. Thus, in 1978, Singapore introduced the Foreign Made Scheme (FMS) [3].

The FMS was an initiative implemented by the Singaporean government, allowing for woman from neighboring countries to enter Singapore as live in domestic workers [4]. After the foundation of the FMS, the frequency of foreign domestic workers per household steadily grew. By the end of the 1990's, it was reported that there was a foreign maid per every eight households in Singapore [5]. This figure jumped to one in every seven households by the mid-2000's and currently resides at roughly one in every five households, as of 2015 [6]. The

ascending statistics thus validate the conclusion that a dependency on maids in Singapore exists, and has so for some time.

The treatment of foreign domestic workers in Singapore remained largely unchecked by government oversight agencies - meaning that no concrete legislation or government agency set a standard for how foreign domestic workers were to be treated - until the Flor Contemplacion case of 1995 [7]. On May 4, 1991, Delia Maga, a Filipina foreign domestic worker working for the Huang family, was found strangled to death in the apartment of her employer. Additionally, the three-year-old child Delia was hired to care for was found drowned in the apartment. Although a suspect for the crime was not immediately provided, police found reference of Contemplacion, a 42-year-old Filipina domestic worker in the Huang house, in Maga's diary and sought her out for questioning. After further investigation, Contemplacion confessed and was subsequently charged with the murders of Maga and the three-year-old boy [8].

As the trial approached, new evidence began to place a shadow of doubt over the guilt of Contemplacion. A witness for the defense, Virginia Parumog, testified in the case that the boy, Nicholas Huang, accidentally drowned in the bathtub and the boy's father, Maga's employer, killed her in a fit of rage. This testimony, coupled with the testimony of Contemplacion that she was tortured into accepting blame for the murders, did not result in her exoneration. Rather, on March 17, 1995, Contemplacion was hanged at the Changi Woman's Prison and Drug Rehabilitation Center [9].

The aftermath of this case not only affected the diplomatic relationship between the Philippines and Singapore, resulting in the Filipino government temporarily banning citizens from working in the country, but also shone a potent spotlight on the working conditions of foreign domestic workers in Singapore, particularly those from the Philippines [10].

Contemplacion was viewed as a symbol of the abuse faced by foreign domestic workers, highlighting their poor treatment and lack of rights in their host countries. Due to the public outcry both at home and abroad, Singapore was prompted to take action in its oversight of working conditions within the country. In conjunction with making the judicial process more transparent regarding foreign workers, the Ministry of Manpower (MOM) introduced the Foreign Workers Unit (FWU) in 1997. The FWU was packaged and presented as an outlet for foreign domestic workers facing abuse, equipped with an emergency help-line that could field the complaints of domestic worker's [11]. While the implementation of this resource was a step in the right direction, the foreign workers' options to pursue legal recourse were still limited, as foreign domestic workers do not have access to the court system. Thus, if disputes regarding treatment cannot be resolved within the Foreign Workers Unit, little else can be done.

The continuation of abuse allegations and condemnation from human's rights groups, both internationally (Human Rights Watch) and domestically (Humanitarian Organization for Migrant Economics), resulted in MOM implementing more policies to improve the welfare of foreign domestic workers within Singapore. In April 2004, MOM introduced a compulsory orientation program for all first time employers of domestic workers known as the Employer's Orientation Program (EOP). The EOP, a three-hour orientation class detailing the recommended treatment of foreign domestic workers, must be completed two days prior to submitting a request for a foreign worker employment pass [12]. It is the intention of the program to educate employers on the responsibilities they have regarding their foreign domestic workers. These responsibilities include, but are not limited to, reasonable working hours, conditions of housing and nutrition, and physical and emotional treatment [13]. Furthermore, individuals that change foreign domestic workers frequently must complete the EOP again. "Frequently", by governmental

standards, is defined as five or more times within a calendar year [14]. In doing so, it was the intention of MOM to provide employers with the necessary information needed to successfully employ a foreign domestic worker.

In further response to instances of abuse, the parliament of Singapore amended the Penal Code in 2004 to increase the penalties for confining or sexually assaulting a female domestic worker [15]. Laid out in the MOM's Guide for Employers, employers of foreign domestic workers are provided a list of penalties they may face if found guilty of abusing their employee, ranging from fines to potential jail sentences. The following year, January 2005, the minimum age of foreign domestic workers was raised from 18 to 23 [16]. Additionally, educational pre-requisites were required of all foreign domestic workers. These pre-requisites require all employees to show proof of at least eight years of formal education [17].

The most notable of these reforms enacted by parliament came in February 2005. For the first time, legislation clearly stipulated the work permit condition that employers must pay their foreign domestic workers salary every month, no later than seven days after the last day of the month [18]. Historically, multiple complaints had been filed by foreign domestic workers that their salaries were withheld or cut by employers due to varying circumstances (i.e. unforeseen illness). Therefore, with the enactment of this reform, the salary agreed upon in the employment contract was now envisioned to be protected under the law.

The implementation of these reforms, within a short period of time, was intended to immediately improve the situation of foreign domestic workers within the country. However, as will be touched on in the following section, such intention has not led to meaningful improvement. Foreign domestic workers are still facing systematic abuse at the hands of their

employers in a variety of fashions. The policy measures enacted by the Singaporean government seem to serve as a suggestion rather than the word of law.

The minimal penalties for violating any and all of the previously listed regulations leave the door open for abuse to continue, as the punishments do not adequately coincide with the crimes. For example, Singapore resident Soh Meiyun was found guilty of abusing her Indonesian maid from April to May of 2009 and, when convicted, was forced to pay a fine of S\$15,000, a drastic reduction from her original sentencing of 16-months in prison. In the case, Soh was found guilty of a litany of abuses, such as beating her maid with a bamboo pole, pressing a heated spoon on her arm, and using a sewing needle to poke and scratch the maids' bare body [19]. Thus, after nearly two months of abuse and torture, all that the penal system required of Soh was to pay a fine, highlighting the ineffectiveness of the legal system regarding foreign domestic workers. Simply, the measures are ineffective.

2. Documented Abuses as of 2005 (Human Rights Watch)

The following section presents a case study from the Human Rights Watch comprised of interviews from foreign domestic workers in Singapore. This particular case study, along with complimentary research, was found to be the most comprehensive documentation of systematic abuses taking place within the domestic service industry. Thus, the ensuing subsections will portray three of the more common exploitations in an attempt to highlight the full nature of the problem.

a. Employment Agents

In a December, 2006 case study titled *Maid to Order: Ending Abuses Against Migrant Domestic Workers in Singapore*, the Human Rights Watch (HRW) details common abuses endured by domestic workers seeking employment in Singapore. Of these many abuses, "more

than one third of the migrant domestic workers interviewed by Human Rights Watch reported abuse at the hands of employment agents in Singapore” [20]. These abuses ranged from the confiscation of personal items such as passports and religious symbols, to more egregious offenses such as physical assault. For example, an interview conducted by HRW of a foreign domestic worker, Neerangini, revealed that during her time living with an agent prior to placement, she was frequently physically assaulted. She stated that “for minor things, if the saris were not put away right, or not ironed, I got beaten...I was beaten so I couldn't ever put on my own shirt. She would beat me with a metal ruler.” [21].

Further abuses were documented by the HRW, such as agents stripping domestic workers of information they could use to seek help. The agents were able to confiscate such items, without the possibility of negative consequences, because the foreign domestic workers were left without option for recourse, as no outside entity oversaw placement agency practices. Dewi Hariyanti, a foreign domestic worker that used a placement service to find employment, detailed her experience with the agents. In her description, the agents thoroughly searched her contents such as letters, money, and address books. If these items were found, Hariyanti claimed that they would be taken and burned. In her particular circumstance, “they took letters, a dress, and money”. She was only able to hide a limited amount of money in her underwear, as they allowed her to keep only this item of clothing on during their search [22].

b. Unpaid Wages

HRW found that one of the most common instances of workplace abuse came in the form of unpaid wages. In two cases documented in the case study, it was evident that the withholding of wages, coupled with the minimal bargaining power these domestic workers have, can result in a domestic worker receiving far less than is owed to them. For example, a Bangladeshi domestic

worker interview by HRW, Chandrika Das, did not receive payment for her services for eight years. Upon the termination of her contract, Das attempted to receive her due compensation with little success, being told by her employer that it was compensation enough that she was allowed, “to breathe the air in Singapore.” Only after mediation through the Ministry of Manpower was Das compensated for her work, settling for approximately S\$3,000 for her eight years of service. This settlement was the equivalent of her earning S\$1 per day of work [23].

A second case of unpaid wages was also documented by the HRW. In this case, an underage domestic worker was not compensated for four years of service. In an effort to receive payment, the domestic worker sought help from her local embassy. After calculating the amount owed to her, it was deemed that she was entitled to “S\$10,000 in back wages”. However, no payment was ever received [24].

c. Forced Confinement

Arguably, the most taxing mental and physical abuse suffered by foreign domestic workers is that of forced confinement in their employer’s home. In their interviews, the HRW documented cases of 29 domestic workers that were subject to forced confinement or limitations on allowable communication. A Filipino domestic worker, Milagros Baluyot, disclosed to the HRW that her employer withheld her passport and work permit, as he could not trust her [25]. It is important to note, however, that it is Baluyot, not her employer, who could face penalty for not having her work permit on her. If stopped and unable to produce her work permit, Baluyot would be liable to face a hefty fine, as this is a violation of the work permit regulations.

It was also reported that many employers forbid their domestic workers from speaking with neighbors, friends, or, especially, other maids. This practice, however, is often justified by employment agents and employers as a safeguard against their domestic worker running away. A

stipulation put in place by the Singapore government intended to promote accountability by employers requires a security bond to be placed for each domestic worker, usually S\$5,000 per employee [26]. Therefore, by restricting a domestic worker's movements and communication, the employer believes they are protecting their investment. As one agent interviewed by HRW explained, "Poor people can abuse the employer. The employer puts up the security bond. If the maid runs away or does some nasty thing, the employer loses a lot of money." [27].

While many other abuses occur on a regular basis in the domestic service industry, the ones outlined above provide a glimpse into the harsh reality of a domestic worker. Far from home, with little or no contacts available, a foreign domestic worker is left with little to no options in regards to improving her situation. While a study into the mental effects of such treatment has not been performed, the fact that "between 1999 and 2005, 147 migrant domestic workers died from workplace accidents or suicide" is better-understood [28]. However, as will be outlined below, this crisis does not seem to be garnering the attention necessary for serious reform.

d. Summary of Abuses

In summary, the common abuses endured by foreign domestic workers, listed above or not, are as follows: Exploitation by employment agents, unpaid wages, forced confinement, exclusion from labor laws, exorbitant fees required to enter into employment, restricted movement and communication, unsafe working conditions, and threat of being repatriated.

Section II: Construction Workers in Singapore

1. Construction and Labor Industry

The construction industry in Singapore has played a pivotal role in developing the country's economy, both at home and abroad. Private and public sector demand within the industry has seen a steady increase over the past few decades, with Singapore's Building and Construction Authority (BCA) projecting \$26 to \$35 billion worth of construction contracts to be awarded in the next two years (2017-2018) [1]. This continued success within the industry has also been plagued with controversy surrounding the treatment of migrant laborers, the bulk of the working force in this sector. Therefore, the following section will examine the recurring abuse faced by migrant laborers and the government's response up to the current day. In an effort to do so, the beginning of the section will focus on the policy measures in place currently, subsequently followed by a presentation of their limited success.

2. Government-enacted Protection for Migrant Construction Workers

The following measures taken by the Singaporean government span from the 20th-21st Century. As labor practices have grown and altered through the years, Singapore's governing body has adopted various acts and amendments perceived to be in the best interest of the working person, including migrant laborers. On the surface, the policy measures taken by the Singaporean government cover a wide range of potential workplace issues. However, the severity surrounding the enforcement of these laws remains in question. In the following sections, I will present the major policy positions adopted by the Singapore government in an attempt to curb workplace abuse. Next, I will examine firsthand accounts of migrant laborers in the construction industry and determine if, at all, the laws were adequately applied and/or enforced.

3. Current Policy Measures in Effect

Originally enacted in 1968, with the most recent amendment taking place in 2009, the Employment Act (EA) is Singapore's main labor law protecting migrant construction workers, providing the "basic terms and working conditions for all types of employees, with some exceptions" [2]. The EA details and protects labor rights such as a maximum hourly workweek, a minimum required rest day, limits on reduction of salary, and a minimum of fourteen days of sick leave [3].

Under Part III, section 21 of the EA, the requirements for time of payment are laid out for the employer and employee. This amendment specifies that the salary earned by an employee must be paid no later than seven days after the expiration of the pay period. In regards to overtime pay, the employer is required to pay their employee no later than fourteen days after the expiration of the pay period. Furthermore, if the employee is to be legally terminated, the employer is required to provide payment for all hours worked up until the point of termination [4].

Part IV of the EA provides conditions of service regarding the maximum allowable hours of work per week and the necessity for a day of rest within a given workweek. Under Section 36, the employee is allotted one full day of rest per workweek. Prior to the start of the month, the employer must provide a schedule declaring each day within the week that the employee is allowed rest [5]. Additionally, in Section 38, the employee is limited to six hours of continual work without the allowance of a leisure period, and may not work more than eight hours per day, or forty-four hours in a given work week [6].

In response to an increase in workplace injury and death during the late 1990's into the early 2000's, Singapore enacted the Workplace Safety and Health Act (WSH) in 2006 [7]. In summary, the WSH has four key features intended to improve workplace safety. First, it places

the bulk of the responsibility on stakeholders that have, within the realm of their control, the ability to promote workplace safety. Second, the WSH defines the success of their statues based on results rather than just on compliance. Third, it “facilitates effective enforcement through the issuance of remedial orders”. Fourth, and most importantly, it increases the penalties, both monetary and otherwise, for those stakeholders that do not comply with the mandated safety regulations [8].

Similar to the guidelines regulating the EA and WSH, the Work Injury Compensation Act (WICA) of 2010 provides employees with protection against work place injury while employed in Singapore. In short, the WICA requires employees to cover medical expenses resulting from a workplace injury, up to a certain point. In its most recent amendment, taking effect 1 January 2016, the WICA requires employers to provide compensation to employees for three types of workplace accidents. In the event of death, the employer is required to compensate the employee’s family a minimum of S\$69,000, not to exceed S\$204,000. In the event of total permanent incapacity, the employer is required to compensate the employee a minimum of S\$88,000, not to exceed S\$262,000. Finally, if the employee is to suffer injury but not permanent incapacity, the employer is required to pay up to S\$36,000 in future medical costs, not exceeding such amount [9]. These assurances provided to the foreign workers are meant not only to protect them from the dangers associated with their work, but also to protect their families that ultimately rely on remittances sent to their country of origin.

4. Documented Abuses as of 2011 (Humanitarian Organization for Migration Economics)

The following section presents a case study from the Humanitarian Organization for Migration Economics (HOME). This case study, while focusing primarily on migrant Chinese construction workers in Singapore, was found to be the most thorough in presenting the laundry

list of abuses faced by all migrant laborers in Singapore, regardless of their country of origin. Therefore, the following section will detail a handful of the most widespread abuses within the construction industry, starting with the recruitment from neighboring countries to the treatment of the laborers once in Singapore.

a) The Recruitment Process

The first step in working as a migrant laborer in Singapore takes place at the recruitment stage. Friends, family, or various advertisements will guide those interested in seeking work in Singapore to contact a local agent within their country of origin. This recruiter will then, acting on behalf of the Singaporean employer, inform the worker of their job scope and all that comes with it (i.e. compensation, living quarters, etc.). For the services listed above, recruiters will charge anywhere from S\$ 3,000 – S\$7,000 [10].

While this process and its accompanying compensation is a fixed process in the world of migrant labor, questions regarding its legitimacy constantly arise. Firstly, contractual agreements between the agent and the migrant worker rarely, if ever, take place. According to the case study presented by HOME, zero of the 41 laborers were presented a service agreement between themselves and their recruitment agent [11]. Thus, those engaging in business with these recruitment agents are left legally defenseless should the work in Singapore not be consistent with the standards set out by the recruiter, as there is no contractual agreement to cite in any potential litigation.

In the same light, those interviewed by HOME complained that the working conditions promised by the recruiter were not fulfilled once employed in Singapore. In some cases, the predetermined compensation for the migrant laborer was lowered. In others, the recruitment agent misled workers on the standard of living they would be provided, stating that “the living

standards won't be any different from what [I] had in China", while in actuality the dormitories provided were substandard [12].

The lack of government oversight regarding these recruitment practices, in both Singapore and abroad, leave the vast majority of laborers vulnerable to manipulation and coercion. In theory, the recruiter and the Singaporean employer can promise a fair and decent wage to a migrant laborer that is subsequently not honored. In these instances, the migrant laborer is hesitant to report the manipulation to MOM, as this will most likely lead to backlash from their employer and a potential forfeiting of their deposit made to the recruiter, if their work agreement were to be consequently terminated.

b) Long Working Hours

Covered under Part IV of the Employment Act (EA), under which all migrant construction workers are protected, ones contractual work hours must not exceed 44 hours a week. If one is to exceed this hourly cap, the individual's employer is required to pay him or her at least 1.5 times their regular salary for every overtime hour worked [13]. However, according to the interviews conducted by HOME, this system is almost universally ignored. Of those interviewed for the case study, HOME found that the average work week for a Chinese construction worker consisted of 10-16 hour days from Monday – Saturday, and an 8 hour work day on Sunday [14]. Thus, the average workweek for a migrant worker normally exceeds the predetermined limit by upwards of 60 hours. While the prospect of working overtime can be alluring due to the supposed financial benefit, it has been found that migrant workers are seemingly forced to do so in order to pay back the enormous amount of debt accumulated by recruitment fees and cost of living in Singapore. Furthermore, many migrant laborers voice their concern that they will be punished if they do not work the hours their employer's demand of

them [15]. Given that an employer has complete control over the means in which they hire and fire a migrant worker, most migrant laborers are left with little to no bargaining chips when it comes to work hours or days off for rest. Thus, appropriate working conditions and hour limits are thrown by the wayside in an attempt to appease the employer.

Even if one were to work beyond the hour restrictions outlined in the EA, one must also worry about their hours being logged correctly. Employers are not only given full control over their employees work schedule but are also the sole record keeper of hours worked. Some individuals interviewed by HOME commented, even after abiding by the long hours of manual labor, that their hours worked were not accurately cataloged. As one anonymous migrant laborer said, “I work 12 hours a day but my employer only records 10. MOM said we need to provide proof that we work 12 hours to make a claim. But how do we do that? My fellow work mates will not speak up because they are scared.” [16]. Thus, the way in which the employer-employee relationship is set up almost always favors the former, leaving minimal outlets for the latter to go to in a time of crisis.

c) Inadequate Work Place Safety

The most public, and subsequently most addressed issue faced by construction workers in Singapore is work place injury and death. According to the most recent projections from the Ministry of Manpower, the work place fatality rate in Singapore is set to jump to 2.2 for every 100,000 employed residents in 2016 compared to 1.9 in 2015 [17]. While this rate is a drastic improvement from its previous high of 4.9 in 2002, it remains one of the highest among developed nations and tops all of the countries in the European Union [18]. The issue of work place injury and death overwhelmingly affects those that work in the construction industry, accounting for more than 40% of work place fatalities [19].

The frequency of work place injuries in Singapore's construction industry can be directly attributed to lapses in safety training and inadequate conditions imposed on employees. In a presentation at the 2016 Workplace Safety and Health (WSH) conference, Minister of Manpower Lim Swee Say cited a recent analysis that found of 33 companies where fatalities occurred, "87 percent failed to conduct thorough risk assessment or implement adequate risk control measures, 73 percent had poor execution of work operations, while 93 percent were found to have workers exhibiting unsafe behavior." [20]. Thus, it is clear that the safety of those working within in the industry has been, and continues to be, undermined by malpractice

The simple recognition of this problem, while expected, does provide some optimism in regards to its resolution. It has been affirmed that the intention of MOM is to hold companies and stakeholders more accountable during instances of work place injury or fatality. However, being that the Workplace Safety and Health Act of Singapore has been in effect since 2006, it remains unclear whether or not safety will truly be the top priority when it comes to the construction industry. Thus, the safety of those in the industry, the majority of which is comprised of migrant laborers, remains ambiguous.

d) Access to Health Care and Worker Injury Compensation

The lacks of adequate safety measures for those working in the construction industry inevitably leads to foreign workers needing access to health care services and, depending on the severity of the injury sustained, work injury compensation. As directed by the WICA, ones employer is required to pay for medical expenses related to a workplace injury up to the maximum limit, S\$36,000 or 1 year from the date of the injury [21]. The eligible medical expenses covered under the act include ward and treatment fees, cost of medicine, artificial limbs, surgical appliances, medical report fees, and ambulance costs [22]. However, in its

investigation into work injury claims, HOME found that medical expenses and leave wages are frequently denied.

The workers interviewed by HOME detailed the superficiality of the WICA and the difficulty they encountered when trying to claim work injury benefits. Many of those interviewed were completely denied their claims and were subsequently forced to take out loans from friends and family in order to pay for their medical expenses. Of those that were eventually reimbursed for their medical expenses, many claimed that they were given “substantially less than what they were entitled to because their employers would make false declarations of the worker’s salary to the Ministry of Manpower” [23]. While this is a clear violation of both the Employment Act and the WICA, many of the workers interviewed found it difficult to file complaints with MOM because they did not have access to time cards or vouchers documenting their salaries [24]. This lack of information makes it nearly impossible to file a successful grievance with MOM, as the complaint ultimately comes down to their word against their employers.

Individuals facing lesser injuries were also found to be exploited by the loosely enforced work injury laws. For instance, employer designated doctors only gave workers who sustained injuries to their hands or feet, in some cases having fingers or toes partially sliced off, two to three days of work leave [25]. The WICA designates that the employer, not the employee, has the right to choose the doctor visited after sustaining a work place injury [26]. Therefore, it is common that employers will choose a private practice doctor rather than a public physician, one that would be subjected to government regulation. The practice of choosing private practice doctors thus recurrently leads to foreign workers being given only a fraction of the leave time justified by their injury. Social workers representing HOME accompanied a Chinese foreign worker, whose name was not provided, to his doctor’s office to understand why the doctor only

prescribed the worker two days of leave after he suffered “a serious head injury” [27]. In response to their questioning regarding the doctor's determination, the doctor replied that foreign workers should not be given excess leave time, for fear that they may “become lazy” [28].

The examples and testimonials provided by HOME shed light on the hurdles foreign workers must go through to receive adequate and fair health services. Even if one were to be lucky enough to receive an appropriate diagnosis from their doctor, it is likely that they will face resistance from their employer when requesting reimbursement. Consequently, the foreign worker is expected to put their body on the line for their employer, with little to no assurance that they will be assisted in the event of injury.

e. Summary of Abuses

In summary, the common abuses levied against foreign workers in the construction industry include, but are not limited to, the following: Exploitation and coercion by recruitment agencies, unlawful working hours, and a lack of workplace safety, unpaid wages, and inadequate access to healthcare, substandard living standards, and unsuccessful redress for claims.

Chapter 3: Malaysia

Background

The importance of migrant labor regarding the success of the Malaysian economy cannot be understated. As of December 2015, 2.1 million registered migrants resided in Malaysia [1]. Additionally, and contrastingly to Singapore, Malaysia is the home to an estimated 2 million unregistered migrants [2]. This contrast, along with each countries respective governmental approach, sets the framework for a detailed comparison of Malaysia and Singapore and how each respectively treats their large influx of foreign workers.

In this chapter, the focus will, again, be placed on the “foreign worker”, specifically in the construction and domestic service industries. Following the same chronological timeline as in the previous chapter, it is my intention to document the treatment of migrant laborers in Malaysia. In doing so, I intend to highlight the rampant abuses faced by such workers, while also comparing and contrasting the policy responses undertaken by the Malaysian government with those of the Singaporean government. The presentation will show that the foreign worker in Malaysia faces many of the same hardships as their counterpart in Singapore. However, lack of meaningful response by the Malaysian government, compared to Singapore, will prove to be the main catalyst of difference between the two countries.

Section 1: Foreign Domestic Workers in Malaysia

1. Domestic Service Industry

Similar to the availability of research in the case of Singapore, there seems to be a lack of documented cases regarding the treatment of foreign domestic workers in Malaysia until recently. Therefore, in keeping with the chronological timeline of previous sections, the following section will present the birth of FDW's in Malaysia, beginning in 1969.

a. The Emergence of Necessity: Malaysia's Recruitment of FDWs

In the wake of the 1969 Malaysian general election, the country of Malaysia was thrust into the Racial Riot of 1969 [1]. The Racial Riot, occurring May 13, 1969, was a result of poor economic growth and racial tensions that had been boiling over since the expulsion of Singapore from the Federation of Malaya in 1964 [2]. As a result, the government of Malaysia declared a state of emergency and suspended their parliamentary system, replacing it with the National Operations Council (NOC) [3]. It was the mandate of the NOC to be the temporary guardians of the Malaysian government from 1969 to 1971 [4].

The importance of the NOC regarding the recruitment of FDWs can be attributed to the Council's implementation of the Malaysian New Economic Policy (NEP). The NEP was designed to increase native Malaysian economic ownership within the country [5]. This initiative, followed by five additional policies, resulted in Malaysian woman finding work in areas other than domestic service, thus creating a need for FDWs to fill the void.

The Malaysian government first addressed the resulting need for FDWs in 1984, with the signing of the Medan Agreement [6]. The Medan Agreement, signed with Indonesia, introduced rules and regulations for the recruitment of domestic workers from Indonesia [7]. Similar

agreements were signed in the following years with neighboring countries such as the Philippines (1985), Bangladesh (1986), and Thailand (1986) [8]. Thus, the market for Foreign Domestic Workers in Malaysia was open. However, as will be touched upon in the following subsections, little government regulation emerged to protect these foreign workers, and that which did were largely ignored.

2. Government-enacted Protection for Foreign Domestic Workers (as of 2004)

The main legislative protections for Foreign Domestic Workers in Malaysia are not enacted by the local government, but rather are covered in international agreements signed by Malaysia. The most notable of such agreements, The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), was adopted by the UN General Assembly in 1979, and subsequently ratified by Malaysia in 1995 [9]. The CEDAW is referred to as a “bill of rights” for women internationally, containing 30 General Recommendations that cover a broad spectrum of basic human rights [10]. Some of the most notable subjects covered within the Convention include economic and social rights, non-discrimination, equal representation in government, and women’s right to education. However, regarding FDWs, the most important General Recommendation is 26. In such recommendation, domestic workers are specifically mentioned and declared to be “protected by labor laws including wage and hour regulations, health and safety codes, and vacation leave regulations” [11]. Thus, if the agreement were honored, foreign domestic workers in Malaysia should be allotted the same labor protections as every other employee in Malaysia.

Further international protections for migrant laborers have been ratified by Malaysia due to their membership in the International Labor Organization (ILO). Notable treaties adopted by the ILO, and subsequently Malaysia, include the ILO Forced Labour Convention (1930), the Right

to Organize and Collective Bargaining Convention (1949), and the Worst Forms of Child Labor Convention (1999). All three of the previously mentioned ILO treaties outline designated protections for migrant workers that should be applicable to Foreign Domestic Workers in Malaysia. These protections include the elimination of labor involving persons under the age of 18, the right for migrant workers to join union organizations, and the elimination of any form of forced labor, including debt-enforced labor [12]. However, similar to the plight of the migrant worker in Singapore, a lack of government enforcement and oversight has resulted in no tangible benefits. Thus, it seems that the treaties are merely for show, appeasing the respective organizations while ultimately protecting no one. This assumption will be furthered in the following section, as the abuses intended to be curbed by such treaties are documented in the present-day.

3. Documented Abuses as of 2004 (Human Rights Watch)

On May 17, 2004, a security guard at a local Malaysian apartment complex approached a woman whom was crying. As he moved closer, the guard was confronted with the bruised, bleeding face of Nirmala Bonat, an Indonesian FDW that had recently fled from her abusive employer. After being treated and saved by authorities, Bonat's story of abuse became public knowledge throughout Malaysia. According to Bonat, her female employer abused her every day for a five-month period, beginning when Bonat accidentally broke a coffee cup. The litany of abuses endured by Bonat were immediately evident, as the "skin over most of her body was knotted with scars, welts and burns" [13]. Bonat's employer was arrested and, after a lengthy trial and appeals process, sentenced in 2008 to 12-years in prison. In 2010, Bonat filed a civil suit against her former employer and won in 2014, receiving payment for both physical and emotional damages [14].

The following section presents a case study from the Human Rights Watch comprised of interviews and first-hand accounts from foreign domestic workers in Malaysia. The case study, titled *“Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*, furthers the case that abuses faced within this industry are rampant and seemingly unaffected by legislative action or international treaties. While more recent case studies documenting FDW abuse in Malaysia have been produced by HRW, as recent as 2011, I believe the chosen case study is the most compelling, as it allows for a detailed examination of abuses coming to light, and the subsequent response by government officials in Malaysia.

a. Physical, Emotional and Sexual Abuse

Sadly, the case of Nirmala Bonat and the abuse she endured is not an isolated event. Of the fifty-one Indonesian domestic workers interviewed by HRW, “eighteen experienced verbal abuse, nine experienced physical abuse, and seven experienced sexual harassment and abuse” [15]. Verbal abuse, the most common endured by those interviewed, ranged anywhere from demeaning insults to threats against the FDW’s life. For example, an interview conducted by HRW of a foreign domestic worker, Tita Sari, revealed that her employer would frequently threaten her life, saying, “I’m not afraid if I have to kill you” [16].

Occasionally, verbal threats were followed by instances of physical abuse. In the case of 27-year-old Arianti Harikusumo, verbal threats and demeaning insults manifested in her employer hitting her with “a stick of wood, a steel rod, a mop, a steel glass, a big serving spoon, and a mineral water bottle when it was still full” [17]. Minimal mistakes, if they could even be called that, committed by the FDW were met with inhumane punishments. These punishments, unless brought to the attention of law enforcement, would remain largely unchecked, as the

rights of FDW's working in Malaysia were not clearly outlined – ultimately equating to the FDWs having no rights at all.

Arguably, the most egregious of abuses faced by foreign domestic workers is sexual assault. HRW found that seven of the woman interviewed in their case study had suffered from sexual abuse, ranging from unwanted touching to repeated rape [18]. Susanti Pramono, an Indonesian FDW returned home, suffered the latter. In her interview with HRW, Pramono detailed such abuse. For three months, her male employer, physically abusing her if she attempted to prevent his advances, raped Pramono on a daily basis. At the end of these three months, she was sent back to her home, forced to leave all of her belongings and returning with no earned wages, as the wages she had accumulated were withheld by her employer to pay for FDW levy fees [19]. Thus, Pramono was subjected to three months of what can only be described as torture, and ultimately received no compensation, let alone any human decency.

b. Unpaid Wages

Similar to their Singaporean counterparts, foreign domestic workers in Malaysia frequently suffered from unpaid wages. HRW found that employers would withhold their employees' salaries for the duration of their two-year contract. The FDW would be told that these funds were being invested for them, and in some instances, they were. However, for those that were not as fortunate, being the majority of woman interviewed by HRW, little to no outlets existed to claim their unpaid wages. The Malaysian government, during this time, had strict immigration enforcement regarding illegal immigrants within the country. Therefore, the FDW's were unable to file and/or follow through on a complaint prior to their departure date, not allowed to stay past such a date. Thus, if their wages were withheld until the end of their

contract, and the employer decided not to compensate them, the Indonesian FDW had no possibility for redress.

c. Forced Confinement

The abuses mentioned above are compounded when one considers that the FDW is routinely confined to their employer's home for the duration of their employment. In their interviews, HRW heard reports from domestic workers, labor agents, and even employers, citing that domestic workers were stripped of their freedom regarding movement while employed. An interview with twenty-seven year old Arianti Harikusumo highlighted the restrictions imposed on foreign domestic workers while under the employment of their Malaysian hosts. Harikusumo described being confined to the inside of her employers home whenever the employer would leave, locked inside, with no means of contacting anyone. When Harikusumo did attempt to contact her relatives in Indonesia by mail, she told HRW that she suspected her employer of destroying her letter, as she was "sure the address was right" [20].

In contrast to Singapore, Malaysia does not require a security bond be placed for each foreign domestic worker. However, the want to "protect their investment", as some employers describe in Singapore, is eerily similar in Malaysia. HRW interviewed employers and government agents regarding the confinement of foreign domestic workers. In response, many employers and officials interviewed showed signs of inherent bias or stereotyping regarding Indonesian woman, believing them to be naïve, promiscuous, or both. When interviewed, a labor agent justified the confinement of foreign domestic workers by claiming, "that if women had days off or were allowed to roam independently outside of the house, they would either run away or get pregnant" [21]. Therefore, with this belief seemingly held by all parties involved, forced confinement of foreign domestic workers remains the norm.

The abuse detailed above not only has a negative impact on the psychological state of foreign domestic workers, but is also in direct conflict with the international human rights laws mentioned earlier. The frequency of this type of abuse, and the seemingly universal awareness from all party involves, highlights the ineffectiveness of the Indonesian government and their blatant neglect of treaties they signed as members of the United Nations and the ILO.

d. Religious Freedom

Failure to follow international law can be seen in the restrictions placed on foreign domestic workers regarding their right to practice their religion freely. According to HRW, approximately one-third of those interviewed for the aforementioned case study reported that they were unable to practice their religion openly and freely [22]. For example, Silvani Setiawan, a Muslim and foreign domestic worker in Malaysia, stated that she was forced to handle pork and her employers three dogs, a practice forbidden in Islam [23]. The failure to guarantee religious liberty for foreign domestic workers in Malaysia directly disobeys the Universal Declaration of Human Rights, a declaration adopted by the UN in 1948 and currently an international law meant to be followed by all. Thus, yet again, lack of enforcement of international law has stripped away the basic human rights of migrant workers in Malaysia.

As in the case of the discussion on Singapore, many other forms of abuses occur on a regular basis in the domestic service industry. However, the ones outlined above are recurring enough as to provide a glimpse into the abuses faced by a domestic worker in Malaysia. Many of the abuses faced by domestic workers in Malaysia mirror those faced by domestic workers in Singapore. However, after being made public, the response by the Singaporean government far outweighs the response of the Malaysian government. Until such a response is seen, domestic workers in Malaysia will continue to face a multitude of abuses at the hands of their employers.

e. Summary of Abuses

In summary, the common abuses endured by foreign domestic workers, mentioned previously or not, are as follows: Exploitation by labor agents, both in Indonesia and Malaysia, forced confinement and restricted communication, unpaid or deducted wages, exclusion from Malaysian labor laws, physical, verbal, and sexual abuse, threat of repatriation, inhumane working hours, restriction of religious freedoms, substandard, and sometimes unsafe, living and working conditions.

4. Government Response in the wake of Public Scrutiny

The revelations of abuse taking place against Indonesian Foreign Domestic Workers in Malaysia, highlighted by high profile cases such as the Bonat case, resulted in the two countries taking action to combat the issue. The first of such actions was the adapting of their previously agreed upon Memorandum of Understanding (MoU) in 2006 [24]. However, the new MoU mainly covered the placement, and associated costs, of FDW, rather than outlining specific protections. For example, the MoU dictated that the fees bore by the employer of a FDW would include processing, medical, and various compulsory fees such as the annual levy, work permit, and transportation fees [25].

The addressing of these monetary legalities in the 2006 MoU was a small step in the right direction. However, the most prevalent issues regarding the protection of FDW's were left out completely. It can be said that the MoU was more, "meant to maintain good diplomatic relations between the two countries", rather than ensure any meaningful protection for workers in Malaysia [26]. Unsurprisingly, this lack of meaningful legislation resulted in further abuses occurring in subsequent years. The continued abuse faced by Indonesians working in Malaysian

ultimately reached its tipping point, culminating in the Indonesian government banning all citizens from working in Malaysia, beginning in 2009 [27].

Rather than recognizing the human rights issues prevalent within the country, Malaysia and its government reacted to the ban in a seemingly indifferent manner. In order to account for a lack of Indonesian FDWs, recruitment agents within the country looked elsewhere for foreign workers. Cambodia, a country with 1/3 of its population living below the national poverty line, was able to fill this void in the interim period [28]. However, as in the case of Indonesia, Cambodian domestic workers soon began to report abuse at the hands of their employers in Malaysia and the cycle thus continued [29].

Section II: Foreign Construction Workers in Malaysia

1. Construction and Labor Industry

According to the December 2015 report produced by the World Bank, *Malaysia Economic Monitor: Immigrant Labor*, migrant labor participation dominates the construction industry in Malaysia. Of the total foreign workforce in Malaysia, 43 percent are employed in either the agriculture or the construction industries [1]. This percentage results in a construction industry where roughly one in five workers is foreign [2].

The high frequency of foreign laborers in the construction industry has allowed for increased growth in the Malaysian economy. However, such concentration of workers has led to instances of abuse and maltreatment. Thus, the following section will examine the abuse faced by migrant construction workers in Malaysia. The section will begin with a focus on policy measures currently in place, followed by a presentation of their ineffectiveness by means of recurring abuse.

2. Malaysian Laws Governing the Protection of Migrant Construction Workers

Similar to Singapore's main labor law, the Malaysian Employment Act (MEA), originally enacted in 1955, and most recently amended in 2012, outlines the protections supposed to be guaranteed to migrant construction workers. The MEA details labor rights such as work compensation and hourly work limits, required days of rest, paid holiday vacation, and paid sick leave [3]. The following paragraphs will present the most basic of these rights.

Part XII of the MEA specifies the workers' rights to "rest days, hours of work, holidays, and other conditions of service" [4]. For example, section 59 states that employees are to be allowed a whole day of rest per week of work. It is the requirement of the employer to prepare a roster for each month of work, clearly outlining the days of rest in such month. If the day of rest is to be

amended at any time, it must be supplemented with a newly scheduled day. At the conclusion of this section, the MEA states that any employer disregarding this mandate is in violation of the law [5].

Part XII of the MEA also provides conditions regarding the maximum allowable hours of work per week. Under Section 60A, the employee is restricted to working no more than five consecutive hours without a break of at least 30 minutes. Furthermore, the employee shall not be required to work more than 8 hours a day, or 48 hours a week, under their contract of service with their respective employer [6]. In the event that an employee exceeds the 8 or 48-hour threshold outline in Section 60A, the Director General of Malaysia mandates that the employee “shall be paid at a rate not less than one and half times his hourly rate of pay irrespective of the basis on which his rate of pay is fixed”, thus guaranteeing the employees right to overtime pay [7].

The mirror image of Singapore’s WICA, the Workmen’s Compensation Act of 1952 (WCA) protects workers, including foreign construction workers, from workplace injury or death while employed in Malaysia [8]. In summary, the WCA requires employers to provide funds for medical expenses and, if the injury is permanently debilitating, adequate compensation for a workplace injury. Section eight of the WCA states that if an employee is killed because of a workplace injury, the deceased’s employer is liable to provide “, a lump sum equal to sixty months earnings or eighteen thousand ringgit” to the employee’s dependents, whichever is less [9]. In the event of total permanent incapacity, the employer is required to compensate the employee a sum equal to sixty months of earnings, or twenty-three thousand ringgit, again whichever is the lesser of the two [10]. Finally, if the injury sustained by the employee is not permanent, the employer is required to make “a half-monthly payment payable on the sixteenth

day from the date of the disablement, and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter” [11]. Thus, if honored, the WCA is meant to serve the same role as Singapore’s WICA, protecting the foreign worker from injury and allowing for their families, in the event of tragedy, to be cared for by means of adequate compensation.

3. Documented Abuses as of 2010 (Amnesty International)

The following section presents a case study from Amnesty International (AI). This case study, titled, *Trapped: The Exploitation of Migrant Workers in Malaysia*, documents the most common instances of abuses faced by migrant workers in the construction industry. In citing from this detailed case study, it is my intent to highlight a handful of the most widespread abuses within the construction industry, while simultaneously highlighting the failures of the Malaysian Employment Act in protecting workers from such abuses.

a) Entry Restrictions

Prior to being awarded a work permit to enter Malaysia, prospective employees must undergo a health screening. The health screening, administered by The Foreign Workers Medical Examination Monitoring Agency (FOMEMA), is very thorough and can lead to individuals being barred from working in the country [12]. While it is a right of independent nations to place restrictions on the entry of non-citizens due to health reasons, Amnesty International found that prospective employees were being denied entry if they were pregnant or HIV positive, a discriminatory medical practice [13]. According to AI, the rationale behind barring pregnant woman from entering the country is purely based on a “desire to avoid workers who will not be productive for an extended period” [14]. Thus, those that may be pregnant or HIV positive are unjustly discriminated against due to unfair restrictions regarding medical conditions.

b) False Promises and Unpaid Wages

After successfully entering the country as a migrant construction worker, many individuals interviewed by Amnesty International stated that their agreed upon working conditions and salary were altered, a direct violation of the MEA. For example, a 24-year Indonesian construction worker, Malik, was promised by a local recruitment agent and future employer that he would receive a salary of 45 ringgit per day (~\$13.00). However, after starting his work in Malaysia, Malik was informed that he would only receive 30 ringgit per day (~\$7.00) [15]. Even though this is in direct conflict with the MEA, many migrant laborers have no choice but to accept the lessened salary. Most of the migrant workers were not provided with a written agreement regarding their salary, thus making the matter undisputable in the court system. Furthermore, the debt accrued to work in Malaysia leaves the migrant worker with little bargaining power, as they have a strong need for any source of income.

Unique to Malaysia, when compared with Singapore, foreign construction workers may be employed by an outsourcing arrangement. In short, the outsourcing arrangement is a working agreement handled by third-party recruitment agents whom are responsible for distributing the salary earned to the foreign worker. Amnesty International found, in their interview process, that their recruitment agents ultimately never paid many foreign workers operating under such agreements [16]. For example, Ghulam, a Bangladeshi construction worker, was promised to be paid his wages each month. After the first month of not receiving wages, Ghulam was forced to take out a loan from the construction company he was working for in order to purchase food. As the months went on, Ghulam never received his wages and at the end of his 6-month contract, was left with an accumulated debt of 150 ringgit. Luckily, after petitioning the Bangi Labor Department, Ghulam was awarded a sum of money in the form of back pay. However, the

predicament he faced, as many others do, highlights the lack of oversight involving recruitment agents, particularly in Malaysia, as Ghulam was forced to return to his home country in order to receive any form of payment [17].

c) Substandard Living Conditions

The guidelines for employer provided living quarters are outlined in Malaysia's 1990 Workers' Minimum Standards of Housing and Amenities Act [18]. In this act, basic standards are specified as to the conditions the living quarters must be in. For example, the housing must provide adequate and safe access to piped water, as well as electricity [19]. However, Amnesty International found that these guidelines are frequently ignored, particularly in the construction industry, where housing is usually comprised of makeshift accommodations located on project sites [20].

An Indonesian construction worker explained the conditions he and six other workers were living in while employed in Malaysia. He stated that the makeshift accommodations consisted of "plywood on the floor" and a "carpet" placed on the ceiling as a roof [21]. The 'housing' did not consist of any beds or other amenities, but merely a carpet and blanket for all of the men to share. While access to water and electricity on the site were most likely provided, the housing conditions alone do not meet the standards outlined in the previously mentioned Act. However, as is the case in a majority of the abuses, migrant laborers have little to no bargaining power and thus must accept their conditions as provided.

d) Summary of Abuses

In summary, the common abuses endured by foreign workers in the Malaysian construction industry include, but are not limited to, the following: Exploitation and coercion by recruitment

agencies, unlawful working hours, a lack of workplace safety, unpaid wages, and inadequate access to healthcare, substandard living standards, and unsuccessful redress for claims.

Chapter 4: Comparative Analysis and Recommendations

The following chapter will plainly outline the similarities and differences between Singapore and Malaysia regarding their treatment of migrant laborers. Being that it has been made evident that the abuses faced by migrant laborers are similar in both countries; an emphasis will be placed on the variation in governmental response. The conclusion of this analysis will then consist of recommendations for Singapore and Malaysia in how to better care for their respective migrant labor populations.

Section I: Similarities and Differences between Neighbors: Why?

The process of extensive research and evaluation has led me to conclude that Singapore and Malaysia share many of the same attributes regarding their treatment of migrant construction workers. However, the treatment, and subsequent governmental response, of foreign domestic workers in each country presents stark differences. I will this section by discussing the similarities within the construction industry and finish with a discussion on the domestic service industry.

1. Construction Industry

The laws governing the construction industries in Singapore and Malaysia seemingly mirror one another, as highlighted in the previous chapters. The main labor laws governing Singapore and Malaysia, the Employment Act of 1968 and the Employment Act of 1955 respectively, outline the basic rights allotted to foreign construction workers. These rights include, but are not limited to, rest days, overtime pay, and adequate living conditions.

It is my belief that the measures in place are similar, albeit not effective, due to the fact that these workers provide tangible benefits to their respective host countries. The industrialization of Singapore and Malaysia, while taking somewhat different forms, relied

heavily on a steady flow of migrant laborers able to fill demand. As their economies continue to grow and take further shape, this demand is one that will remain. Thus, providing legislative safeguards to assure workers of their protections guarantees that this labor force will remain constant within each country.

2. Domestic Service Industry

The main difference between Singapore and Malaysia regarding governmental legislation lies in the domestic service industry. Public outrage after the illumination of abuses towards these workers resulted in different actions from government entities. In Singapore, recurring abuse resulted in legislative action being taken to guarantee important rights for domestic workers. The government took necessary action to address the complaints of migrant domestic workers and, while improvement is still needed, acted in accordance to these complaints. For example, safeguards were put in place in Singaporean rules to prevent abusive employers from hiring multiple domestic servants (see Chapter 2 Part a)

Malaysia, however, has not shown the same initiative as Singapore. Presented with public outcry over abuse, particularly after the Bonat case, Malaysia did little to address issues of abuse. An amended MoU with Indonesia did occur, but as noted previously, did nothing to ensure basic rights for domestic workers. Even when the problem intensified, leading to a moratorium of domestic workers from Indonesia in 2009, Malaysia acted in the interest of itself and sought workers from other regions to fill the void. Thus, the question of why the two countries differ in this respect is brought up.

It is my belief that the countries have shown different methods of addressing FDW abuse because their economic drives are varying. Singapore's economy is centered mainly on foreign investment and services. Thus, the country interacts with a broad range of nations, many being

western, democratic nations. This interaction puts Singapore and its legislative practices in the spotlight, with a negative reputation potentially leading to backlash from foreign investors. Therefore, the intermingling between Singapore and its economic partners has resulted in positive labor practices being transported to the country, ultimately providing for the protection of domestic workers there.

Malaysia's economy, beginning after the Racial Riot of 1969, has been centered around improving the lot of Malay citizens. This emphasis, while providing substantial benefits for the citizens of the country, has resulted in foreign workers rights not taking precedent. The country's history of employing foreign workers and the neighboring countries reliance on remittances from such work has shown that a lack of attention to workers' rights, particularly in the domestic service industry, will not have a negative effect on the economy. Therefore, simply put, motivation for the protection of migrant workers is not present. Without such motivation, foreign domestic workers in Malaysia will continue to be without protection.

While the differences between Singapore and Malaysia are apparent in regards to the treatment of their foreign domestic workers, it is important to note that both countries lack important protections for these workers. Specifically, when compared to the male-dominated field of construction, the domestic service industry is lacking in many of the basic human rights allotted to their construction counterparts. During the research investigation, no immediate information was presented regarding the reason for this discrepancy. However, it is warranted to surmise that the lack of tangible benefits provided by the foreign workers is a determining factor in the rights allotted to them. In the case of the construction industry, foreign workers entering the country produce a net gain for the Singaporean and Malaysian economies, by way of labor and finalized project. On the other hand, foreign domestic workers are viewed, in part, as a

luxury. Those that are wealthy enough to afford a live-in domestic worker deem them necessary and have the means to pay their salary and any additional fees that are accrued during their service. While the levies do provide some monetary gain to the state, it does not nearly equate to the economic benefit provided by construction. Therefore, it is my belief that Singapore and Malaysia, specifically their governmental agencies, are more likely to disregard the rights of the foreign domestic workers, as they do not provide tangible economic benefits. That being said, the importance to the functionality of their economy (i.e. allowing for members of the household to work instead of perform housework), should be recognized and rewarded adequately.

Section II: Recommendations for Future Treatment of Migrant Laborers

The following section is meant to serve as a place for recommendation – listing what the author believes to be the most important actions needed to be taken by Singapore and Malaysian regarding the protection of their migrant labor populations. The recommendations are as follows:

1. Appoint or create agencies in charge of overseeing all preexisting laws protecting migrant laborers
2. Introduce a minimum wage requirement applicable to migrant laborers in all fields
3. Include foreign domestic workers in all labor laws, specifically the Employment Act of each respective country
4. Increase punishments for parties found guilty of abusing migrant laborers
5. Introduce a fair and regulated recruitment system in both the host and receiving country
6. Abide by all previously adopted international laws regarding basic human rights

Conclusion

The hardships faced by migrant workers in Southeast Asia are becoming more frequently addressed as individuals and agencies become aware of the situation. This fact is cause for optimism, as recognizing the state of the problem is the first step in meaningfully addressing it. However, as shown in the previous chapters, much work still needs to be done to fully protect this vulnerable population of workers.

The emergence of globalization has played a key role in not only the frequency of mass-migration, but also the harsh conditions encountered by foreign workers. Regarding the former, globalization has drastically expanded the scope of national economies worldwide, coupling actors from around the world and linking aspects of their economies. This interaction subsequently led to a need for constant, cost-effective labor in order to compete in the global market place. A solution to such want was, and remains to be, foreign labor. Thus, the foreign labor system in the world has been positively impacted by globalization.

Regarding the latter, globalization spurred intense competition in the global economy to produce necessary products at the lowest cost. A way in which this is achieved is by sacrificing the rights of laborers, particularly migrant laborers, for the salvation of high profits. Therefore, until an emphasis is placed first on the treatment of laborers and second on the bottom line, instances of abuse will continue to be commonplace throughout the world.

Singapore and Malaysia, the two leading economic countries in this region, have an obligation to address the issue of migrant labor abuse in their respective countries. By doing so, they will serve as a model example for not only their neighboring countries, but also countries throughout the world. The recommendations mentioned previously are idealistic in nature, being easier said than done. However, it is my belief that Singapore and Malaysia can make significant

improvements to their migrant labor conditions without sacrificing economic gain and by doing so; provide all members of their country with dignity and respect.

Notes

Introduction

1. Amadeo, Kimberly. "Federal Poverty Level: Definition, Guidelines, Chart." The Balance. N.p., 17 Oct. 2016. Web. 29 Oct. 2016.
2. "Indonesia Overview." Indonesia Overview. The World Bank, 22 Sept. 2016. Web. 04 Oct. 2016.
3. Ibid.
4. International Labour Office, Department of Statistics. ILO Global Estimates of Migrant Workers and Migrant Domestic Workers: Results and Methodology: Special Focus on Migrant Domestic Workers. Comp. International Labour Office, Labour Migration Branch, Conditions of Work and Equality. Geneva: ILO, 2015. 16-17. Print.

Chapter 2

Background

1. Piper, Nicola, Dr. "Migrant Labor In Southeast Asia; Country Study: Singapore." 1-15. Web. 12 Apr. 2016.
<http://www.fes.de/aktuell/focus_interkulturelles/focus_1/documents/8_000.pdf>.
2. Singapore. Ministry of Manpower. Manpower Research and Statistics Department. *Foreign Workforce Numbers*. 18 Mar. 2016. Web. 05 May 2016.
3. Ibid.
4. Nielsen, Lynge. "Classifications of Countries Based on Their Level of Development: How It Is Done and How It Could Be Done." *IMF Working Papers* 11.31 (2011): 1. Web.

Section 1

1. McCann, Deirde, and Jon C. Messenger. "Limits on Normal Hours." Routledge Studies in the Modern World Economy. By Sangheon Lee. London: Routledge, 2007. 13. Print.
2. Varia, Nisha. "Migrants in Singapore." Singapore: Maid to Order: Ending Abuses against Migrant Domestic Workers in Singapore. Vol. 17. New York, NY: Human Rights Watch, 2005. 16. Print.
3. Castles, Stephen, and Mark J. Miller. "6.1 Foreign Maids in Singapore." *The Age of Migration: International Population Movements in the Modern World*. New York: Guilford, 1993. Print.
4. Ibid.
5. Singapore. Ministry of Manpower. Manpower Research and Statistics Department. *Foreign Workforce Numbers*. 18 Mar. 2016. Web. 05 May 2016.
6. Ibid.
7. Tupas, Jefry (24 March 2013). "[The Lessons Singapore Learned From Flor Contemplacion](#)". Retrieved 28 April 2016.
8. Ibid.
9. Ibid.
10. Ibid.
11. Piper, Nicola, Dr. "Migrant Labor In Southeast Asia; Country Study: Singapore." 7. Web. 12 Apr. 2016.
<http://www.fes.de/aktuell/focus_interkulturelles/focus_1/documents/8_000.pdf>.

12. "Employers' Orientation Programme (EOP)." Ministry of Manpower Singapore. Singapore Government, 17 Nov. 2016. Web. 27 Oct. 2016.
13. Ibid.
14. Ibid.
15. Piper
16. Singapore. Ministry of Manpower. *Your Guide to Employing a Foreign Domestic Worker*. Singapore: Ministry of Manpower, Foreign Manpower Management Division, 2014. Print.
17. Ibid.
18. Piper
19. Ng, Andrea. "Couple Jailed for Hurting Maid: Previous Maid Abuse Cases." *The Straits Times*. The Straits Times, 18 Oct. 2016. Web. 11 Sept. 2016.
20. Varia, 34.
21. Ibid., 35.
22. Ibid.
23. Ibid., 49.
24. Ibid.
25. Ibid., 85
26. Ibid., 4.
27. Ibid., 43.
28. Ibid., 1.

Section 2

1. Building and Construction Authority. "Building and Construction Authority Media Release." BCA ESTIMATES \$27 BILLION TO \$34 BILLION WORTH OF CONSTRUCTION CONTRACTS TO BE AWARDED THIS YEAR (n.d.): 1-3. 15 Jan. 2016. Web. 18 Oct. 2016.
2. "About the Employment Act." Ministry of Manpower Singapore. Singapore Government, 15 Nov. 2016. Web. 02 Nov. 2016.
3. Ibid.
4. Singapore. Singapore Government. *Employment Act. Singapore Statutes Online*. Part III, Section 21 Web. 01 May 2016.
5. Ibid., Part IV, Section 36.
6. Ibid., Part IV, Section 38.
7. Singapore. Singapore Government. *Workplace Safety and Health Act. Singapore Statutes Online*. Web. 01 May 2016.
8. Ibid.
9. Singapore. Singapore Government. *Work Injury Compensation Act. Singapore Statutes Online*. Web. 01 May 2016.
10. Humanitarian Organization for Migration Economics (HOME). "Chapter 2: Exploitation, Abuse, and Other Human Rights Violations." *The Exploitation of Migrant Chinese Construction Workers in Singapore*. 2011. 7. Print.
11. Ibid.
12. Ibid.
13. Singapore. Singapore Government. *Employment Act. Singapore Statutes Online*. Part IV, Section 38 Web. 01 May 2016.
14. HOME., 9

15. Ibid.
16. Ibid., 10
17. Juan, Neo Hui. "Singapore's Workplace Fatality Rate to Rise in 2016 – Manpower Minister." Campus Eye. N.p., 28 Aug. 2016. Web. 12 Oct. 2016.
18. HOME., 10
19. Juan
20. Ibid.
21. Singapore. Singapore Government. *Work Injury Compensation Act. Singapore Statutes Online*. Web. 01 May 2016.
22. Ibid.
23. HOME., 16.
24. Ibid.
25. Ibid.
26. Singapore. Singapore Government. *Work Injury Compensation Act. Singapore Statutes Online*. Web. 01 May 2016.
27. HOME., 16
28. Ibid.

Chapter 3

Background

1. "Malaysia Economic Monitor, December 2015 - Immigrant Labor." World Bank. The World Bank Group, Dec. 2015. Web. 16 Sept. 2016.
2. Ibid.

Section 1

1. Drabble, John. "The Economic History of Malaysia". EH.Net Encyclopedia, edited by Robert Whaples. July 31, 2004. URL <http://eh.net/encyclopedia/economic-history-of-malaysia/>
2. Drabble, J.H. *An Economic History of Malaysia, c.1800-1990: The Transition to Modern Economic Growth*. Basingstoke: Macmillan and New York: St. Martin's Press, 2000
3. Ibid.
4. Ibid.
5. Ibid.
6. Ananta, Aris, and Evi Nurvidya. Arifin. *International Migration in Southeast Asia*. Singapore: Institute of Southeast Asian Studies, 2004. 206. Print.
7. Ibid.
8. Ibid., 207
9. Rudolf, Beate, Marsha A. Freeman, and C. M. Chinkin. *The UN Convention on the Elimination of all Forms of Discrimination Against Women: A Commentary*, Oxford University Press, New York; Oxford [England];, 2012.
10. Ibid.
11. The United Nations. "Convention on the Elimination of All Forms of Discrimination against Women." *Treaty Series* 1249 (1988): 13. Print.
12. "Publications on International Labour Standards." Publications on International Labour Standards. International Labour Organization, n.d. Web. 29 Nov. 2016.
13. Kent, Jonathan. "Malaysians Angry at Maid Abuse." BBC News. BBC, 21 May 2004. Web. 27 Apr. 2016.

14. Ibid.
15. Human Rights Watch (HRW). "Physical Abuse, Neglect, and Mistreatment." *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*. Vol. 16. New York: Human Rights Watch, 2004. 46. Print.
16. Ibid., 47.
17. Ibid., 46
18. Human Rights Watch (HRW). "Sexual Abuse and Harassment." *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*. Vol. 16. New York: Human Rights Watch, 2004. 48. Print.
19. Ibid., 49.
20. Human Rights Watch (HRW). "Forced Confinement and Restricted Communication." *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*. Vol. 16. New York: Human Rights Watch, 2004. 40. Print.
21. Ibid., 41.
22. Human Rights Watch (HRW). "Restrictions on Religious Freedom." *Help Wanted: Abuses against Female Migrant Domestic Workers in Indonesia and Malaysia*. Vol. 16. New York: Human Rights Watch, 2004. 45. Print.
23. Ibid., 44.
24. Malahayati. "Legal Protection on Indonesian Domestic Workers in Malaysia: From Actors' View." *Journal of Law, Policy and Globalization* 43 (2015): 75-85. Print.
25. Ibid.
26. Ibid.
27. Johnson, Constance. "Global Legal Monitor." *Indonesia: Ban on Sending Workers to Malaysia Lifted* | Global Legal Monitor. Library of Congress, 6 Dec. 2011. Web. 24 Apr. 2016. <<http://www.loc.gov/law/foreign-news/article/indonesia-ban-on-sending-workers-to-malaysia-lifted/>>.
28. Poudyal, Jyotsna. "They Deceived Us at Every Step": Abuse of Cambodian Domestic Workers Migrating to Malaysia. New York, NY: Human Rights Watch, 2011. Print.
29. Ibid.

Section 2

1. Munoz Moreno, Rafael; Del Carpio, Ximena Vanessa; Testaverde, Mauro; Moroz, Harry Edmund; Carmen, Loo; Smith, Rebekah Lee; Ozden, Caglar; Karakurum-Ozdemir, Kamer; Yoong, Pui Shen. 2015. *Malaysia - Economic monitor: immigrant labor*. Washington, D.C.: World Bank Group. <http://documents.worldbank.org/curated/en/753511468197095162/Malaysia-Economic-monitor-immigrant-labor>
2. Ibid.
3. Malaysia. Malaysia Government. *Employment Act (1955)*. *WorldLII Online*. Web. 21 May 2016.
4. Ibid., Part XII
5. Ibid.
6. Ibid.
7. Ibid.
8. Malaysia. Malaysia Government. *Workmen's Compensation Act (1952)*. *WorldLII Online*. Web. 21 May 2016.

9. Ibid.
10. Ibid.
11. Ibid.
12. Amnesty International. "Restrictions on Entry." Trapped: The Exploitation of Migrant Workers in Malaysia. London: Amnesty International Publications, 2010. 15. Print.
13. Ibid.
14. Ibid.
15. Amnesty International. "Deception in Recruitment." Trapped: The Exploitation of Migrant Workers in Malaysia. London: Amnesty International Publications, 2010. 19. Print.
16. Amnesty International. "Non-payment of Wages and Multiple Deductions." Trapped: The Exploitation of Migrant Workers in Malaysia. London: Amnesty International Publications, 2010. 34. Print.
17. Ibid.
18. Malaysia. Malaysia Government. *Workers' Minimum Standards of Housing and Amenities Act (1990)*. WorldLII Online. Web. 21 May 2016.
19. Ibid.
20. Amnesty International. "Living Conditions." Trapped: The Exploitation of Migrant Workers in Malaysia. London: Amnesty International Publications, 2010. 47. Print.
21. Ibid., 49.

Bibliography

- Apodaca, Clair. "The Globalization of Capital in East and Southeast Asia: Measuring the Impact on Human Rights Standards." *Asian Survey*, vol. 42, no. 6, 2002., pp. 883-905.
- Bal, Charanpal S. "Production Politics and Migrant Labour Advocacy in Singapore." *Journal of Contemporary Asia* 45.2 (2015;2014;): 219-24.
- Bell, Daniel A. *Equal Rights for Foreign Resident Workers? the Case of Filipina Domestic Workers in Hong Kong and Singapore*, vol. 48, University of Pennsylvania Press, Philadelphia, 2001.
- Brenda S. A. Yeoh, Shirlena Huang, and Joaquin Gonzalez. "Migrant Female Domestic Workers: Debating the Economic, Social and Political Impacts in Singapore". *The International Migration Review* 33.1 (1999): 114–136. Web.
- Caraway, Teri L. "Labor Rights in East Asia: Progress Or Regress?" *Journal of East Asian Studies*, vol. 9, no. 2, 2009., pp. 153-186.
- Charanpal S. "Dealing with Deportability: Deportation Laws and the Political Personhood of Temporary Migrant Workers in Singapore." *Asian Journal of Law and Society* 2.2 (2015): 267.
- Chin, Christine B. N. "The 'Host' State and the 'Guest' Worker in Malaysia: Public Management and Migrant Labour in Times of Economic Prosperity and Crisis." *Asia Pacific Business Review*, vol. 8, no. 4, 2002., pp. 19-40
- Clutterbuck, Richard L. *Conflict and Violence in Singapore and Malaysia, 1945-1983*, Westview Press, Boulder, Colorado, 1985.

- Devasahayam, Theresa W. "Placement and/or Protection? Singapore's Labour Policies and Practices for Temporary Women Migrant Workers." *Journal of the Asia Pacific Economy* 15.1 (2010): 45-58. Web.
- Devadason, Evelyn Shyamala, and Chan Wai Meng. "Policies and Laws Regulating Migrant Workers in Malaysia: A Critical Appraisal." *Journal of Contemporary Asia* 44.1 (2014): 19-35. Web.
- Hefner, Robert W., 1952. *The Politics of Multiculturalism: Pluralism and Citizenship in Malaysia, Singapore, and Indonesia*, University of Hawai'i Press, Honolulu, 2001.
- Hernández-Coss, Raúl, 1968, and World Bank. *The Malaysia-Indonesia Remittance Corridor: Making Formal Transfers the Best Option for Women and Undocumented Migrants*, vol. no. 149.; no. 149;., World Bank, Washington, D.C, 2008.
- Huling, Alice. "Domestic workers in Malaysia: hidden victims of abuse and forced labor." *New York University Journal of International Law and Politics*, vol. 44, no. 2, 2012., pp. 629.
- Kaur, Amarjit. "Managing Labour Migration in Malaysia: Guest Worker Programs and the Regularisation of Irregular Labour Migrants as a Policy Instrument." *Asian Studies Review*, vol. 38, no. 3, 2014., pp. 345-366
- Luebker, Malte, et al. *Domestic Workers Across the World: Global and Regional Statistics and the Extent of Legal Protection*, International Labour Office, Geneva [Switzerland], 2013.
- Maimbo, Samuel M., et al. *Migrant Labor Remittances in South Asia*, The World Bank, Washington, 2005.
- Mosley, Layna, and Saika Uno. "Racing to the Bottom or Climbing to the Top? Economic Globalization and Collective Labor Rights." *Comparative Political Studies*, vol. 40, no. 8, 2007., pp. 923-948.

- Poon, Angelia. "MAID VISIBLE: Foreign Domestic Workers and the Dilemma of Development in Singapore." *Crossroads: An Interdisciplinary Journal of Southeast Asian Studies*, vol. 17, no. 1, 2003., pp. 1-28.
- Rahim, Rohani A., et al. "Migrant Labour and Issues on Outsourcing System in Malaysia." *SHS Web of Conferences*, vol. 18, 2015., pp. 1003
- Sabir, Munawar. "Impacts of Globalization on Human Rights." *Journal of Political Studies*, vol. 21, no. 2, 2014., pp. 109.
- Sadiq, Kamal. "When States Prefer Non-Citizens Over Citizens: Conflict Over Illegal Immigration into Malaysia." *International Studies Quarterly*, vol. 49, no. 1, 2005., pp. 101-122
- Seidman, Gay W. "Regulation at Work: Globalization, Labor Rights, and Development." *Social Research*, vol. 79, no. 4, 2012., pp. 1023-1044.
- Soong, Kua K. "Racial Conflict in Malaysia: Against the Official History." *Race & Class*, vol. 49, no. 3, 2008., pp. 33-53
- Wade, Robert H. "Is Globalization Reducing Poverty and Inequality?" *World Development*, vol. 32, no. 4, 2004., pp. 567-589.
- Wong, D. "Foreign Domestic Workers in Singapore." *Asian and Pacific migration journal: APMJ*, vol. 5, no. 1, 1996., pp. 117.
- Ye, Junjia. "Migrant Masculinities: Bangladeshi Men in Singapore's Labour Force." *Gender, Place & Culture*, vol. 21, no. 8, 2014., pp. 1012-1028
- Yea, Sallie. "Trafficked enough? Missing Bodies, Migrant Labour Exploitation, and the Classification of Trafficking Victims in Singapore." *Antipode* 47.4 (2015): 1080-100. Web.

Yeoh, Brenda S. A., Shirlena Huang, and Theresa W. Devasahayam. "Diasporic Subjects in the Nation: Foreign Domestic Workers, the Reach of Law and Civil Society in Singapore." *Asian Studies Review*, vol. 28, no. 1, 2004., pp. 7-23

Biography

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